

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLYDE E. MEASE, JR.,)	
)	
Plaintiff,)	C.A. No.: 06-271 (SLR)
)	
v.)	
)	Trial By Jury Demanded
WILMINGTON TRUST COMPANY)	
)	
Defendant.)	

**PLAINTIFF'S MOTION FOR CERTIFICATION FOR
INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C §1292(b)**

The plaintiff, Clyde E. Mease, Jr., hereby moves this Court, pursuant to 28 U.S.C. §1292(b), for certification of an Interlocutory Appeal to the United States Court of Appeal for the Third Circuit, on the legal issue presented by this Court's dismissal of State Law claims by this Court's declining to exercise diversity jurisdiction over such claims. The grounds for this motion are more fully set out in the memorandum in support of plaintiff's motion for certification of an interlocutory appeal, pursuant 28 U.S.C. §1292(b), filed contemporaneously with this motion.

ABER, GOLDLUST, BAKER & OVER

/s/ Gary W. Aber
GARY W. ABER (DSB #754)
First Federal Plaza, Suite 600
702 King Street, P.O. Box 1675
Wilmington, DE 19899
302-472-4900
Attorney for Plaintiff

DATED: January 29, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLYDE E. MEASE, JR.,)	
)	
Plaintiff,)	C.A. No.: 06-271 (SLR)
)	
v.)	
)	Trial By Jury Demanded
WILMINGTON TRUST COMPANY)	
)	
Defendant.)	

PROPOSED ORDER

WHEREAS, plaintiff, Clyde E. Mease, Jr., having moved for a certification of an interlocutory appeal, pursuant to 28 U.S.C. §1292(b) it is hereby ORDERED on this ____ day of _____, 2008 that:

1. Issues presented by this Court's declining to exercise diversity jurisdiction, involves controlling issues of law, and that there is substantial grounds for a difference of a opinion, and an immediate appeal would advance the ultimate termination of litigation between the parties.

2. The controlling issue hereby CERTIFIED to the United States Court of Appeals for the Third Circuit is whether or not where, a party, who has met the statutory requirements of 28 U.S.C. §1332 for diversity jurisdiction, may their action be dismissed by the District Court declining to exercise its diversity jurisdiction.

United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the attached pleading was sent via electronic mail to the following counsel on January 29, 2008:

Sheldon N. Sandler, Esquire
Young, Conaway, Stargatt & Taylor
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899

/s/ Melissa A. Chionchio
Melissa A. Chionchio
Secretary to Gary W. Aber, Esquire